

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

MARK HOFFMAN, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

HEARING HELP EXPRESS, INC.,  
TRIANGULAR MEDIA CORP.,  
LEADCREATIONS.COM, LLC and LEWIS  
LURIE,

Defendants.

NO. 3:19-cv-05960-MJP

**DECLARATION OF ADRIENNE D.  
McENTEE IN SUPPORT OF  
PLAINTIFF'S MOTION TO COMPEL  
THE CONTINUED DEPOSITION OF  
RICHARD CALLIGAN**

I, Adrienne D. McEntee, declare as follows:

1. I am a member of Terrell Marshall Law Group PLLC, counsel of record for Plaintiff Mark Hoffman. I have personal knowledge of the facts set forth in this declaration. I am submitting this declaration in support of Plaintiff's Motion to Compel.

2. Attached as Exhibit 1 is a true and correct copy of Hearing Help's March 2020 Objections and Responses to Plaintiff's First Set of Requests for Production.

3. Attached as Exhibit 2 is a true and correct copy of Plaintiff's Second Amended Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6).

1           4.       Attached as Exhibit 3 is a true and correct copy of the July 28, 2020 email from  
2 counsel for Hearing Help designating Richard Calligan to testify regarding several topics,  
3 including (a) the dialing system Hearing Help used to place calls to Plaintiff and proposed class  
4 members, (b) the purpose of calls placed using the dialing system, (c) the reporting capabilities  
5 of the dialing system, including the calling details that are stored about each call, and (d) the  
6 manuals, data specifications, operator instructions, user guides, and other technical  
7 documentation regarding the dialer.

8           5.       Attached as Exhibit 4 are true and correct excerpts from Mr. Calligan's July 30,  
9 2020 deposition.

10          6.       On November 20, 2020 and December 16, 2020, months after Mr. Calligan's  
11 deposition, Hearing Help produced documents, along with call detail records related to millions  
12 of calls, which contained campaign codes. They did not come in the form of a list. Instead, our  
13 firm culled through millions of calling records to find 83 distinct campaign codes.

14          7.       Attached as Exhibit 5 is a true and correct copy of Plaintiff's Second Set of  
15 Interrogatories to Hearing Help, which were served on January 11, 2021.

16          8.       Because Plaintiff never had the opportunity to question Mr. Calligan or any  
17 other designee regarding their meaning, to date, Plaintiff has no way to distinguish calls  
18 Hearing Help made to existing customers from solicitation calls to new leads. On December 11,  
19 2020, Plaintiff's counsel asked Hearing Help to make Mr. Calligan available for a short  
20 deposition in order to ask questions about the campaign codes. When Hearing Help did not  
21 respond, Plaintiff's counsel reiterated his request. On January 8, 2021, Hearing Help declined  
22 to make Mr. Calligan available.

23           I declare under penalty of perjury under the laws of the State of Washington and the  
24 United States of America that the foregoing is true and correct.

1 EXECUTED this 14th day of January, 2021 at Seattle, Washington.

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3 /s/ Adrienne D. McEntee, WSBA #34061  
4 Adrienne D. McEntee, WSBA #34061  
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